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June 16, 2025

VIA ECF

Honorable Analisa Torres
United States District Court Judge
United States District Court, Southern District of N.Y.
500 Pearl Street
New York, NY 10007

Re: M.K. et al v. The Board of Education of the City School District of the City of New York et al
Case No: 25-cv-04986

Dear Judge Torres:

This office represents Defendants The Board of Education of the City School District of the City of New York (“BOE”), the New York City Department of Education (“DOE”), the City of New York (“City”), and Chancellor Melissa Aviles-Ramos, in her official capacity (“Aviles-Ramos”) (collectively “Defendants”) in the above referenced action.

Defendants write to request a brief one-week extension of their time to respond to Plaintiffs’ Emergency Motion “for a temporary restraining order and preliminary injunction...to immediately fund Plaintiff E.K.’s placement...until their administrative proceedings are final or until such time as an acceptable alternate residential placement can be achieved...as well as provide requisite transport for E.K. from New York City to...Utah.” (ECF 10). The requested extension is for time to investigate the allegations, communicate with the agency, and request documents from the agency to prepare an appropriate response; additionally, the Law Department received notice via email on the same date as service, June 16, and Thursday June 19 is a public holiday. The Notice of Motion does not contain a return date (ECF 10); from conversations with Plaintiffs’ counsel and the requested deadline to issue payment, the one-week extension would be from June 18 to June 25, 2025 (ECF 11, para. 4).

Plaintiffs declined consent to a one-week extension (ECF 11, para. 25). Plaintiffs’ Complaint raises no impending consequence, other than “[e]very day that passes will result in the continuation of the harm to which E.K. has been subjected to two consecutive school years – the lack of any meaningful educational placement and services, as well as her treatment for her serious mental and behavioral difficulties.” (ECF 1, para. 114). No previous request for an extension has been made by Defendants, and no existing deadlines in the case will be impacted by the requested extension. Thank you for your consideration in this matter.

Very truly yours,
/s/ Maxim Maiello

Maxim Maiello

cc: All parties via ECF